

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 5, 2000
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, City Engineer Sandelin, Community Development Director Bartlam, City Attorney Hays and Interim City Clerk Taylor

2. INVOCATION

The invocation was given by Pastor Dennis Fakes, St. Paul Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to Ron Williamson, Parks and Recreation Director, designating that "July is Parks and Recreation Month" in the City of Lodi. Mr. Williamson presented a report to Council regarding the many activities and programs available to the citizens within our community, and shared highlights of the very successful Oooh Ahhh Festival at Lodi Lake on the Fourth of July.
- b) Mayor Mann presented Certificates of Appreciation to Partners and Volunteers of the Parks and Recreation Department:
 - Jeff Dos Rios, Eagle Scout Project – Improvements to Lodi Lake Nature Area
 - Friends of Lodi Lake – Betterment and Upkeep of Lodi Lake Park
 - Church of Jesus Christ of Latter Day Saints
 - Ward One – Cleanup efforts to the water and around the shoreline of Lodi Lake
 - Ward Two – Cleanup efforts throughout Lodi Lake Park
 - Mark Morgan, Eagle Scout, Improvements to flag pole at Lodi Lake (unable to attend)
- c) Mayor Mann introduced Community Improvement Manager Joseph Wood, who presented the Ramiro Mercado Family with the Community Improvement Award for recent improvements made to the residential property at 505 East Oak Street.
- d) Leonard Messer, President of the Lodi Historical Society, invited Council and citizens to attend their annual fundraiser, a Sundae Extravaganza, to be held on Sunday, July 30, 2000 from 5:30 to 7:30 p.m. at the Hill House Museum.
- e) Fire Chief Kenley introduced Dr. Bill Kirby of Auburn, who recently donated an antique fire engine to the Lodi Fire Department. Originally purchased by the City of Lodi in 1921 for \$13,000, it was retired in 1950. In need of restoration, Dr. Kirby rescued the engine from a junkyard in 1990 and spent hundreds of hours and more than \$30,000 in restoring the motor and chassis. Dr. Kirby also donated the original photos of the fire engine and the original pink slip. As a token of the Fire Department's appreciation, Fire Chief Kenley presented Dr. Kirby with a Lodi Fire Department firefighter helmet and ball cap.
- f) Mayor Mann announced that the local newspaper erroneously stated that the proposed revision to the massage ordinance would be discussed this evening, when in fact the item will be set for public hearing this evening for discussion and action at the regular Council meeting of July 19, 2000.
- g) Mayor Mann announced that this would be Jacqueline Taylor's final meeting as Interim City Clerk. Mayor Mann commended Mrs. Taylor for her hard work and professionalism during the performance of these duties, and stated he appreciated her efforts and service to the City.

5. REORGANIZATION OF THE REGULAR CALENDAR

- a) Council, on recommendation of Mayor Mann, directed that the Regular Calendar item order be reversed to address the "Mokelumne River Issues Discussion" item first, due to the many citizens in the audience requesting to speak on the matter.
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6. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **(except those otherwise noted)**:

- a) Claims were approved in the amount of \$2,672,765.52.
- b) The minutes of June 21, 2000 (Regular Meeting) were approved as written with one revision to indicate Council Member Pennino abstained from discussion of the Closed Session item regarding the prospective lease of City Property negotiations between Calpine Corporation and the City of Lodi.
- c) Approved specifications for Type II Polymer Modified Slurry Seal for Various City Streets, 2000 and authorized advertising for bids.
- d) Adopted Resolution No. 2000-114 awarding the contract for Walkway Improvements, Lodi Lake Park, Graves Park and Beckman Park, to Upright Construction in the amount of \$75,220, and appropriated the funds for this project.
- e) Adopted Resolution No. 2000-115 awarding the contract for Peterson Park Restroom to Restroom Facilities in the amount of \$137,890, and appropriated the funds for this project.
- f) Agenda Item #E-6 entitled, "Approve Fiscal Year 1999/2000 Transportation Development Act (TDA) Claim" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- g) Adopted Resolution No. 2000-117 authorizing the City Manager to execute an agreement with Central California Traction Company (CCTC) to install a water main crossing inside CCTC's right-of-way at Lime Street.
- h) Adopted Resolution No. 2000-118 awarding the bid for ten Class 1 and thirty Class 3 wood utility poles to the low bidder, J H Baxter & Company in the amount of \$20,165.41.
- i) Adopted Resolution No. 2000-119 approving Program Supplement No. 041-M to Administering Agency-State Agreement No. 10-5154 for Beckman Road Reconstruction and Bike Lane Striping, 1,000 Feet South of Vine Street to 700 Feet North of Pine Street, and further authorizing the Public Works Director to sign the supplement.
- j) Adopted Resolution No. 2000-120 awarding the contract for Blakely Pool Semi-Portable Water Slide to Natural Structures in the amount of \$4,161.18, and appropriating the funds for this project.
- k) Set a Public Hearing for July 19, 2000 to consider the Lodi Station Parking Structure Project.
- l) Set a Public Hearing for July 19, 2000 to consider revision of existing Massage Ordinance.

7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Item #E-6 entitled, "Approve Fiscal Year 1999/2000 Transportation Development Act (TDA) Claim".

Council Member Hitchcock removed this item for clarification on the possible effects to the level of service the City provides to our streets and transportation. City Engineer Sandelin reported that the City is allowed to use these funds to do pedestrian and bicycle transportation projects, and that staff recommends using this source of funds to bring those projects to the City in an expedient manner. Mr. Sandelin stated that additional funding is in place to proceed with the maintenance and reconstruction projects, and that the amount is at, or higher than, staff has experienced over the past three years.

Following discussion, Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-116 authorizing the City Manager to file the claim for 1999/2000 Transportation Development Act (TDA) funds in the amount of \$1,772,629.

8. PUBLIC HEARINGS

- a) The Public Hearing entitled, "Continued Public Hearing to Consider Appeal of Planning Commission's Decision on Century Meadows 4, Delmar Batch, Appellant", which was originally set on June 7, 2000 to be heard on June 21, 2000, was postponed to this meeting at the written request of the appellant. Prior to this meeting, the appellant submitted a written request that this hearing be continued to the regular City Council meeting of July 19, 2000.

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Land, Hitchcock second, unanimously rejected the following claims:
1. Beverly Languerand, date of loss 5/4/00
 2. Felipe Lopez, date of loss 3/11/00
 3. Alfonso Ochoa, date of loss 4/30/00

10. REGULAR CALENDAR

- a) Agenda item #H-2 entitled, "Mokelumne River Patrol Discussion".

Mayor Mann reminded everyone that the Mokelumne River, although it borders the City of Lodi and Lodi Lake, is within the County Board of Supervisors jurisdiction. Supervisor Sieglock and Mayor Mann are proposing, with Council concurrence, to develop a seven member citizens committee charged to discuss among themselves all of the issues, concerns and recommendations brought before them. The committee would then provide recommendations to the San Joaquin County Board of Supervisors for discussion and appropriate action. Mayor Mann then asked that Chief Hansen provide a report.

Police Chief Hansen stated that the river is under legal authority of the San Joaquin County Board of Supervisors and the Army Corps of Engineers. He further reported that in 1996, discussions were held with the Sheriff's Office regarding the issue of river patrol, as concerned citizens regularly report poor conduct and river safety concerns to the Lodi Police Department. While no river patrol agreement was conceived, the patrol of parks was removed from the Parks and Recreation Department and became the responsibility of the Police Department. Chief Hansen stated the formation of the citizens committee is the proper course of action, and has assigned Sergeant Chet Somera to take the lead in representing the Lodi Police Department to work with the Sheriff's Office regarding discussions and possible coordination of safety patrol at the river. Chief Hansen then asked that a representative of the Sheriff's Office be allowed to address the Council.

Assistant Sheriff Bruce Agnew, 2081 Sylvan Way, Lodi, stated that there are provisional speed limits when operating a motorized craft near moored boats and near established swimming locations, but that the remainder of the limitation is for the most part at the discretion of the operator as safety permits. Sheriff Agnew stated that about 10% of the river between the Highway 99 overpass and Lodi Lake would qualify for the 5MPH speed limit currently, and that many hazards exist, including blind corners, debris, swimmers, stationary craft, and high speed craft such as boats pulling skiers and jet skis. Further, he stated that in his experience, even extensive patrol in some areas does not solve the problem, but that the Sheriff's office was very interested in working toward a resolution.

Speaking on the matter were the following:

1. Moe Gritsch, 821 East Turner Road, Lodi, stated her family's residence has been on Mokelumne River since 1852, and believes the problem on the river is with those who do not respect the importance of the river. She stated that large speeding boats and jet skis do not belong in this setting, and stated most drivers do not understand the ever-changing dangers lying just beneath the tranquil surface of the river. Further, she stated there are two large lakes and 1,000 miles of Delta waterways very near this area where these watercraft are safe and welcome. Ms. Gritsch urged the Council to create the committee to show their respect for the river and to make it a safer place for all to enjoy.
2. Eileen St. Yves, 310 South Orange Street, Lodi, concurred with Ms. Gritsch's comments, stating that creating the committee and making the river safe should be done simply because fixing this problem is the right thing to do.
3. Ted Hutz, 1250 Rivergate Drive, Lodi, agreed that there are several factions and interests involved, and that a consensus should be found to make the river safer for everyone. Mr. Hutz stated that while you can't totally sweep danger from our lives, reasonable risk must be determined so that everyone can enjoy the river. Mr. Hutz asked that the public be notified of committee meetings so that all interested citizens could play a part in the process. Further, Mr. Hutz thanked the Planning Commission and City Council for rejecting the recently proposed boat ramp grant project and returning those funds unused.
4. Bing Taylor, 1430 Holly Drive, Lodi, stated he believes what is being done now is insufficient, and that the blind places on the river and the speed problem can kill. Mr. Taylor stated that you could not build a pool on your property without fencing it as it is considered an attractive nuisance and asked whether we are maintaining an attractive nuisance in the same respect by not controlling the speed on the river.
5. Dr. Brian Crawford, 1807 West Walnut, Lodi, expressed his sadness about the tragedy, and urged the Council to move forward very carefully so that everyone can enjoy the beauty of the river. The two river accidents he is aware of have involved skiers, and he suggested that the solution is to not allow skiers on that portion of the river.
6. H. D. Carter, Lodi Lake Mobile Home Park, Woodbridge, stated he lives at the junction of the river and the lake, and that the biggest problem is jet skis going full throttle through the river with little regard for safety – a disaster waiting to happen.
7. Petty Officer Carson, representing the Coast Guard Station in Rio Vista, stated that unfortunately tragedies like this do happen throughout the Delta, and suggested that the City contact the State Department of Boating and Waterways in an effort to get the speed reduced along the proposed section of the Mokelumne. Mr. Carson suggested the City request the 2000 California Boating Laws publication, which outlines specific laws regarding the operation of vessels, situational speed limits, and operator age requirements. Further, Mr. Carson cautioned that if you mark a specific section of the river at 5MPH, it must be strictly enforced because otherwise you lull people into a false sense of security and safety within the posted areas. Boating "Rules of the Road" have been adopted by the State of California, stating that "...every vessel shall at all times proceed at a safe speed so that action can be made to prevent a collision...".

8. Don Christy, 18691 North Highway 99, Lodi, who grew up on the river, stated that the boy who was driving the boat, which was involved in the accident, will live with the tragedy the rest of his life and is not doing well. He stated it seems our society today opposes jet skis, which allow operation at age 16 with parental supervision. He noted that he used to be a member of Lodi Boat Club in which 10-15 boats at a time were on the river. He stated that judgment of the boat operator used to be enough, and he would hate to see restrictions on the watercraft allowed in the river because of this tragedy. He stated that we have tragedies on our streets, but do not shut down our streets, and as the population increases, tragedies will happen. Mr. Christy expressed his sympathies for the family and asked that Council use caution before making more restrictions.
9. Vi Riggle, 712 North Cross Street, Lodi, stated this seemed a repeat of what was discussed before when the boat ramp was considered for installation in the beach area. People are smart enough to go where there is space to do what they want to do. Ms. Riggle stated that the river is a place of quiet peace and serenity, and that people today seem to have no love for what God has given us.
10. Linda Martin, 8403 East Harney Lane, Lodi, is the cousin of Tom Farnsworth, the father of the boy who was killed in the accident. Ms. Martin stated she feels very strongly about this issue, and in spite of the conflicting reports, her cousin's boat was anchored at the side of the river and he waved his arms and yelled out when he saw the boat – at the point that they were about to be rammed, he yelled for his son to drop down. Ms. Martin stated her cousin later said the boat was filled with teens that have since been discovered to have alcohol in their possession. Ms. Martin asked why no citation has been issued for the excess number of people in the boat, the fact that minors were in possession of alcohol, or the reckless nature in which the boat was being operated. Ms. Martin stated that these incidents have happened for years, and this has only been publicized because a child has died. She further stated that the river is no place for motor craft, there needs to be a 5MPH speed limit set, and that Lodi needs to take responsibility for what happens on its waterways. Finally, Ms. Martin reminded the Council that Item 4 on their list of Major City Goals is to enhance the quality of life and provide a safe environment for its citizens.
11. Bonnie Raingruber, 127 Mokelumne River Drive, Lodi, observed there has been a decrease in boats and watercraft on the river recently, a possible response to the recent tragedy. She stated she has seen and been involved in irresponsible incidents around the river: a jet ski flipped upside down and landed on a tree, and a group of teenagers purposely tried to swamp her and her husband in their craft. Ms. Raingruber asked Council to provide a way for a variety of people to work with the committee in voicing concerns and providing input on this issue.
12. Frank Alegre, 2000 Edgewood Drive, Lodi, stated there has been a tragedy on the river and we should look at what causes tragedies, which in this case is an open bow boat with kids in front of the driver, plus the boat was pulling a skier. He further stated that we have fewer boats on the river today than in the 1960's, and the percentage of accidents on the river is very small. He stated that we do not close our streets when someone is killed in an auto accident, and that the problem could be solved with the elimination of powerboats, lowering the speed limit, and enforcing the right of way rules.
13. Bob Johnson, 1311 Midvale Road, Lodi, stated that he attended the meeting in 1996 with Baxter Dunn regarding river patrol, and stated the discussion was instigated by serious concerns brought before the Recreation Commission. He stated that it has not been mentioned that in 1992 Council created a Mokelumne River Advisory Committee, which made several recommendations; these historical records should be available and reviewed by the City and County. The recommendation of that committee was that the City take its property, go to the Board of Supervisors, and request that all riverfront property be posted at 5MPH. The task force felt this would be a tool to bring enforcement to the river, giving some teeth to those who patrolled our area of the river.

14. Mary Ann Porterfield, 800 South Mills, Lodi, stated that the portion of the river where this accident happened is not the place for speed, since along with the debris there are several sandbars. She urged the Council to proceed with a partnership with the Sheriff's Office to establish safety so everyone can enjoy the river. Further, she stated that she loves the river and that just because you live on the river does not mean it's your property.
15. Tim Vallen, 1151 Buena Vista Drive, Lodi, stated he has a powerboat and feels the main issue is that the debris and sandbars make it very narrow. Mr. Vallen invited Council to contact him for a tour of the river so that he could show them all of the hazards, and remarked that the Right Bank law is in effect, but the river is too narrow to observe and enforce it. Mr. Vallen recommended that Council pursue removing the debris and perform a clearing of the river.

Mayor Mann asked that Council concur with his recommendation that the Lodi Police Department begin discussions with the Sheriff's Office, working in partnership to explore joint patrol of this section of the river.

Council Member Pennino stated he would support the citizen committee, but would not support Lodi Police patrolling the river, as it is the responsibility of the Sheriff's Office. Mr. Pennino suggested that the Council wait to see what recommendations are made to the Board of Supervisors by the committee with regard to river safety.

Council Member Hitchcock stated that in her opinion the cross-section represented in the audience indicates that the river is no place for fast moving boats and jet skis going over 5MPH. Ms. Hitchcock stated she would support a resurrection of the Mokelumne River Advisory Committee in order to shorten the process and move forward, and then get into the idea of joint enforcement based on the committee's recommendations.

Council Member Land extended his deepest sympathy to all involved, stating he does not have all the answers, but heard many good ideas this evening. He stated that although we do not close down streets after a tragedy, we certainly look into how one could have been prevented, and that is what is happening this evening. He stated that we owe it to the citizens to look at this and make the river safer, and the resulting changes may not please everyone. He stated that while he will support this committee, he expects the group to come back with solid recommendations, and that changes will result from those recommendations. Mr. Land stated that many changes have occurred over the years, including removing the ski jump from the middle of the lake, and we no longer allow motorboats pulling skiers to enter and circle the lake – changes that were made to improve safety. He stated he has observed several incidents of inappropriate behavior on the river, including the use of alcohol and the deliberate cutting of fishing lines, and that is unacceptable. Further, he stated that while we probably do not need more laws, we should use current laws and enforce control of the river to make it a passive waterway. He stated there are many other waterways available for the safe operation of high-speed boats and jet skis, and feels that this is not the place for those vessels, but is willing to compromise. Mr. Land asked that the public be well informed of all meetings of the committee, and thanked the Fire Department and their well-trained personnel for their outstanding job in providing excellent service and response time during this tragedy.

Mayor Mann stated the committee will be more the County's committee than ours since they have the authority to impose direction with regard to the river. The County has to support the recommendations of the committee, direct the Sheriff's Office regarding enforcement, and apply for State approval of their decisions. He stated that while the City Council will support and provide input in the recommended actions, that is legally the extent of our involvement with regard to the committee. Further, he stated he and Supervisor Sieglock have met and concurred with seven names, are in the process of confirming their involvement, and have been led to believe all proposed members are in agreement to participate. He stated this is a balanced committee with regard to representation, and that there is an expectation of clear and viable recommendations.

Following discussion, the Council, on motion of Council Member Mann, Land second, unanimously authorized Mayor Mann to coordinate with County Supervisor Sieglock to establish a balanced committee of seven individuals charged to review and discuss all of the issues, concerns and recommendations brought before them, and to provide recommendations to the San Joaquin County Board of Supervisors for discussion and appropriate action regarding the safety of the Mokelumne River in Lodi.

Further, the Council, on motion of Council Member Mann, Land second, authorized Lodi Police Department staff to begin discussions with members of the San Joaquin County Sheriff's Department with the intent to negotiate a Lodi Police/Sheriff's Office team partnership patrol agreement for shared responsibility of safety at the Mokelumne River in Lodi, by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Mann (Mayor)
Noes: Council Members – Pennino
Absent: Council Members – None
Abstain: Council Members – None

11. RECESS

Mayor Mann called for a ten-minute recess and the City Council meeting reconvened at approximately 9:40 p.m.

12. REGULAR CALENDAR (Continued)

a) Agenda item #H-1 entitled, "Council Benefits".

Mayor Mann stated recent events have led to discussion of Council Benefits, noting that staff's extensive research has provided that no prior Council action has been taken regarding specific benefits. Mayor Mann stated that, while no resolution currently exists, Council's present benefits are received legally based on past practice. Mayor Mann stated he recommended this item be brought before the grand jury for their review, and asked that Council agree on the benefits received by Council this evening, eliminating any benefits we should not receive. Mayor Mann asked Council to consider establishing a policy requiring Council pre-approval of expenditures over an established amount with regard to protocol expenditures. Lastly, Mayor Mann stated he feels Council Members are full time employees and should be recognized as such for the purpose of benefits.

Council Member Hitchcock stated she supports Council having an established list of benefits, but believes there are clear-cut policies which already exist. Ms. Hitchcock referred to the language contained in the California Municipal Law Handbook with regard to Council benefits, and the 1995 City of Lodi Administrative Policy and Procedure Manual with regard to tuition reimbursement eligibility and guidelines. Mrs. Hitchcock further cited the definition of terms in the Rules for Personnel Administration regarding regular employees which states that eligibility for tuition reimbursement be limited to full time regular employees of the City ...all employees except for the following, elected officials. Ms. Hitchcock stated she believes giving Executive Management Benefits to Council is an insult to employees who must bargain for benefits, and states she has difficulty with the statement that the past practice is legal; contract employees do not receive benefits and Council should not either. Further, she stated that policy has not been followed and a mistake has been made, and suggested Council clearly state what Council benefits should be as implemented in 1988 and approved with the 1989/90 budget. She reiterated that the policy is clear, and that she cannot imagine why we are members of the retirement system, getting a benefit for serving 12 or more years, stating she is not in favor of this benefit package and believes Council should receive no more than medical benefits.

City Manager Flynn stated that the City is mandated to provide retirement benefits for Council Members, and that including them in the Public Employees Retirement System (PERS) package was the most cost-effective way to do this. Mr. Flynn pointed out that the Administration Policy and Procedure Manual states that "The City Manager shall interpret, apply, administer and enforce these rules and other pertinent regulations...". Further, he reviewed State Code 53200 providing specific definition of an employee to mean "...all employees and officers including members of the legislative body". Mr. Flynn noted that it is the intent of the legislature in enacting this section to find and declare that uneven and unfair benefits and inequities beyond set boundaries are truly matters of state-wide concern, noting that health and welfare benefits for any member of a legislative body in any City shall be no greater than that received by non-safety employees. Mr. Flynn stated that City Attorney Hays reviewed and responded to the e-mail sent by Ms. Hitchcock in a memorandum dated June 15, 2000 regarding education reimbursement.

City Attorney Hays provided there is an authority outline regarding the basis for Council to enjoy benefits, stating it is very clear the benefits currently provided to Council does not constitute compensation. He stated the concept of "employee" is very flexible – including legislative body members, citing a 1948 case in which the court said the term employee has no fixed meaning. The word employee as used in the Constitution was broad enough to include legislators. Mr. Hays stated that he did not believe any benefits currently extended to Council are illegal.

Council Member Nakanishi stated he did not support the Resolution before him, which is giving the Council Members something which is already in place.

Council Member Pennino read a section from the Executive Management Benefits package, and stated he considers himself a City employee and is very proud of it. He stated that no one is getting rich as a Council Member, and that Council Members donate a great deal of vacation time, including time away from their jobs and families, to conduct City business. Mr. Pennino stated that although he struggles with the tuition reimbursement benefit, all of the other benefits are acceptable.

Mayor Mann addressed the tuition reimbursement by stating he will not claim it, regardless, but spoke in favor of it because working for a degree and higher learning can provide a better understanding of the City. He noted that while the City would pick up 100% of the cost of an out of state conference to include lodging, meals, travel and the tuition, he has done both and there is no comparison - you can spend about \$100 for a book and instruction course; whereas, a conference could cost approximately \$1,000. Mayor Mann stated that if Council wishes to affirm the entire list, no action would be necessary, but picking and choosing of benefits from those currently received would require a vote. Either way, this item before Council this evening will establish for the record Council benefits and entitlements.

Council Member Pennino requested as part of a motion that each Council Member be appropriated \$5,000 for their discretion for travel, education, etc. to further their knowledge and understanding of their role in representing and serving the City, with overages in expenditures requiring a consent item be placed on the agenda for Council approval. Council concurred that this recommendation was a separate item and would be brought before Council at a future meeting for discussion and appropriate action.

Speaking on the matter were the following:

1. Eileen St. Yves, 310 South Orange Street, Lodi, stated she had a problem with Council considering themselves full time employees as she believes they are part-time elected officials who are gainfully employed at other businesses with benefits. She further stated Council family members should not receive benefits.
2. John Johnson, 106 South Orange Street, Lodi, noted that Council has stated they did not take the job to get the benefits, and should limit themselves appropriately to accident and travel benefits, since Council has their own full-time employers who provide benefits. He suggested any benefit increased tonight should not be in place until two elections occurred, so that the action did not appear as a conflict.

3. Bob Johnson, 1311 Midvale Road, Lodi, stated he was extremely disappointed at the performance this evening regarding a mistake that was made, and stated he would like everyone to accept that the tuition has been repaid and move on. He stated that while he believes Council should have benefits, they should be basic with regard to life, medical, dental, etc. Mr. Johnson recommended we follow Lodi Unified School District protocol in displaying a warrant list once a month showing all expenditures.

Mr. Flynn stated that in March 1988 one of the Council Member's wives was attacked while accompanying her husband at a conference. Mr. Flynn stated this caused a great financial hardship to the family for a very long period of time, and that the City Manager recognized benefits had been extended to Council Members in other cities. This led to the memorandum from Eric Whitaker in the City Manager's office extending benefits to Lodi Council Members. Further, Mr. Flynn stated that the PERS benefit is offered in meeting government regulation for provisional retirement.

Council Member Pennino read for the record the "Executive Management Benefits" currently provided to Lodi City Council Members as follows:

Accidental Death Insurance, Accidental Travel Insurance, Chiropractic Insurance, Credit Union Membership, Deferred Compensation, Dental Insurance, Direct Deposit Payroll, Employee Assistance Program, Employee Development, Executive Physical, Flexible Spending Account, Life Insurance, Medical Insurance, Medical Fringe, Medical-Married City Employees, Pharmaceutical, Recreation (LCEA), Retirement-2%@55 after 12 years through PERS, Tuition Reimbursement, Vision Insurance, Workers Compensation.

Following discussion, the Council, on motion of Council Member Pennino, Land second, removed Tuition Reimbursement from the existing benefits package, by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mann (Mayor)
Noes: Council Members – Hitchcock
Absent: Council Members – None
Abstain: Council Members – None

Council Member Pennino requested that Council concur with his recommendation that Council's budget have a spending cap for overage which would require Council approval on the Consent Calendar.

Mayor Mann stated he would like to see a policy regarding Council approval on the Consent Calendar for Protocol Account dollars to be spent, noting that the upcoming Boards and Commissions Reception is coming up in August. Mayor Mann requested this be brought before Council for future meeting agenda discussion.

Council Member Pennino further requested that the new City Clerk review and make a recommendation regarding such policy to be brought before Council at a future meeting.

12. ORDINANCES

None.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Robert Riggle, 712 North Cross Street, Lodi, requested that Council consider changing the time on the agenda for comments by the public on non-agenda items. Further, he stated that in the near future the City will be appointing a new Police Chief and Recreation Director, and urged that we recruit locally instead of from other areas within the state, since we have so many good people within the ranks who could do the job.

14. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Hitchcock thanked Jacqueline Taylor for doing a good job as the Interim City Clerk, and stated that the 10% salary increase was not adequate for the amount of responsibility. Ms. Hitchcock stated that there should be a more appropriate compensation made to Mrs. Taylor for the work and the job that she did, and asked for staff recommendation on this. Further, Ms. Hitchcock recognized Susan Blackston in the audience, and welcomed her to her new position as City Clerk beginning Monday, July 10th.
- b) Council Member Nakanishi concurred with Ms. Hitchcock's comments regarding Jacqueline Taylor's service as Interim City Clerk, and thanked Jacqueline for a job well done.
- c) Council Member Land commended Finance Director Vicky McAthie and her staff for the special recognition bestowed upon the City, the Distinguished Budget Presentation Award, and the highest form of budget recognition. Mr. Land thanked Council Member Hitchcock for her diligent work and research with regard to the Council benefits information she shared with Council. Further, Mr. Land stated he received a letter from a citizen that had a concern regarding the ordinance we have allowing parking in front of homes for recreational vehicles, specifically, that certain individuals move their vehicles intermittently to beat this system.

15. CLOSED SESSION

None.

16. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 11:15 p.m.

ATTEST:

Jacqueline L. Taylor
Interim City Clerk